IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11568 of 2004

Between:

R.A. Narayana Reddy S/o Rami Reddy,
Manager, Indian Public School, Narukur

Center, Nellore Rural Mandal Nellore District

..... PETITIONER

AND

1 Deputy Transport Commissioner & Regional

Transport Officer, Nellore, Nellore District.
2 Motor Vehicles Inspector, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the action of the respondents in seizing and detaining the Petitioner's Light Motor Vehicle (Mahindra School Van) bearing Registration No. TCH 3304, Pursuant to the Vehicle Check Report No. 2174228, dated 25-06-2004 of the 2nd respondent as illegal, arbitrary and contrary to law and consequently direct the respondents herein to release the said vehicle to the petitioner, forthwith and pass such other or further orders as are necessary.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following:

ORDER:

The petitioner's vehicle bearing registration No.TCH 3304 was seized by the 2nd respondent on 25.06.2004 under Vehicle Check Report No.2174228 for non-availability of certain documents at the time of check. Whether the petitioner violated any of the rules of the Motor Vehicles Act or not has to be decided by the appropriate authority. The petitioner made a representation to the first respondent to grant interim custody of the vehicle but the same has not been considered. It is not desirable in the interest of parties to keep the said vehicle idle exposed to sunlight and rain causing damage to it.

The writ petition is accordingly disposed of, directing the first respondent to release the vehicle bearing registration No.TCH 3304 on condition of the petitioner depositing a sum of Rs.5,000/- (Rupees five thousand only) and also subject to the following conditions:

1. that the petitioner shall not alienate or transfer the vehicle;

2. that the petitioner shall produce the vehicle as and when

required by the concerned authority.

_____

(K.C.BHANU, J)

08.07.2004

Issue cc by

Tomorrow.

B/o

dr

To

1 Deputy Transport Commissioner & Regional

Transport Officer, Nellore, Nellore District.

2 Motor Vehicles Inspector, Nellore, Nellore District.

3 Two CCs to Government Pleader for Transport, High Court of A.P.,

High Court buildings, Hyderabad. (OUT)

4 Two CD copies.